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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 12 JUL 2004

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Applicant's or agent's file reference G/2AE84/CS/40	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00252	International filing date (day/month/year) 03.04.2003	Priority date (day/month/year) 03.04.2002
International Patent Classification (IPC) or both national classification and IPC A01G9/14		
Applicant VISSER'S-GRAVENDEEL HOLDING B.V. ET AL.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been examined on the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 66.2(a)(ii) of the Administrative Instructions under the PCT).

 These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08.10.2003	Date of completion of this report 09.07.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Fritsch, K Telephone No. +49 89 2399-7318 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00252**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-10 received on 24.03.2004 with letter of 12.03.2004

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language(s):

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00252**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL03/00252

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
D1: FR-A-2 661 155 (closest prior art)
D2: DE 16 58 736 U
D3: CH 332 368 A
D4: DE 17 89 189 U
D5: US-A-4 023 818
2. The subject-matter of document D1 discloses a stackable carrier showing all the features of the preamble of independent claim 1 of the present invention.
The characterising features of independent claim 1 are neither known nor rendered obvious from one of the available prior art documents.
The subject-matter of claim 1 is therefore not novel and inventive (Article 33(2) and (3) PCT).
3. Claims 2 - 10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
6. The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT.

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NEW CLAIMS

1. Stackable carrier for growing material, such as pot
5 plants, cuttings and plants placed in trays,
comprising:

- a substantially rectangular flat plate; and
- supports extending transversely of the plate from the
short sides of the plate for the purpose of supporting the
10 carrier in a stack of carriers, characterized in:
 - that the supports extend upward from the plate;
 - that under each of the supports a recess is arranged in
the plate;
 - that adjacently of the recesses the plate is provided
15 with a support surface for supporting underlying carriers;
and
 - that the support surfaces are all offset in the same
direction relative to the recesses.

2. Carrier as claimed in claim 1, characterized in that
20 the carrier is provided on its side remote from the supports
with locking elements provided for locking in horizontal
direction the supports of the carrier placed above or below
the carrier.

3. Carrier as claimed in claim 1 or 2, characterized in
25 that the carrier comprises a frame extending at least at the
periphery and a plate placed separately inside the frame.

4. Carrier as claimed in claim 3, characterized in that
the frame encloses the plate in the horizontal plane and that
the supports are fixed to the frame.

30 5. Carrier as claimed in one of the preceding claims,
characterized in that the recesses are arranged in the frame.

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6. Carrier as claimed in claim 3, 4 or 5, characterized in that the frame is manufactured from metal, preferably galvanized steel.

7. Carrier as claimed in claim 1, characterized in that
5 the supports arranged on either side of the carrier have a different shape, that similarly shaped supports of carriers placed on top of each other are nestable, and that differently shaped supports placed on top of each other maintain the distance between the carriers corresponding to
10 the support height.

8. Carrier as claimed in any of the preceding claims, characterized in that the supports are each formed by a curved metal strip and that the metal strips are connected to a surface of a profile extending parallel to an end wall of
15 the carrier.

9. Carrier as claimed in claim 8, characterized in that the profile is an L-shaped profile and that the locking elements are formed by lips bent out of the L-shaped profile.

10. Carrier as claimed in claim 9, characterized in that
20 the profile is an L-shaped profile and that the locking elements are formed by brackets fixed to the L-profile.

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